

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the
District of

Division

Case No.

(to be filled in by the Clerk's Office)

Amoury Urena

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

City of New York

Captain Pines

Captain Clarke

Captain Chmut

E.S.U Captain Johnson

C.O Gordon

C.O Jane doe

D.W Jane doe

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Amaury Urena
 All other names by which
 you have been known: _____
 ID Number 241 210 2214
 Current Institution N.Y.C.
 Address 1500 HAZEN ST
EAST ELMBURG N.Y. 11370
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name city of New York
 Job or Title (*if known*) Municipal corporation
 Shield Number unknown
 Employer State of New York
 Address city hall
New York N.Y. 10001
City State Zip Code
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Pines
 Job or Title (*if known*) Captain
 Shield Number unknown
 Employer Department of corrections
 Address East Elmburg 11-11 Hazen Street
East Elmburg N.Y. 11370
City State Zip Code
☒ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

Clark

Job or Title (if known)

Captain

Shield Number

unknown

Employer

Department of Corrections

Address

R.W.D.C. 11-11 HAZEN Street

East Elmhurst

City

N.Y.

State

11370

Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Gordon

Job or Title (if known)

C.O.

Shield Number

unknown

Employer

Department of Corrections

Address

11-11 Hazen Street

East Elmhurst

City

N.Y.

State

11370

Zip Code

☒ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4th, 8th, And 14th Amendment
Under the constitution of the United States

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Defendant No. 5

(E.S.U caption) Johnson

RIKERS ISLAND

Individual capacity official capacity

Defendant No. 6

(caption) elhurst

R.N.D.C 11-11 Hazen St

EAST elmhurst N.Y. 11370

Individual capacity official capacity

Defendant No. 7

(D.W.) John doe

R.N.D.C 11-11 Hazen St

EAST elmhurst, N.Y. 11370

Individual capacity official capacity

Defendant No. 8

C.O. Jane & doe

R.N.D.C 11-11 hazen street

east elmhurst N.Y. 11370

Individual capacity official capacity

Defendant No. 9

C.O. John doe

R.N.D.C 11-11 hazen street

east elmhurst N.Y. 11370

Individual capacity official capacity

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The City of New York for failing to ensure that employees ^{are} properly trained
 Corrections officers, Jane doe John doe and Gordon are liable for failing
 to provide adequate medical attention and inflicting cruel and unusual punishment
 Captain Pines, Clarke, chmurt and D.W are liable for failing to
 supervise and enforce rules and laws and due process as they are due

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

X

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

R.N.D.C 11-11 hazon street East elmherst N.Y 11370
 At approximately 7 PM on the 7th day of January 2022

C. What date and approximate time did the events giving rise to your claim(s) occur?

On the 17th day of January 2022 at approximately 7 PM
 On the 14th day of January 2022 at approximately 11 AM

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was referred to x-rays and prescribed pain medication due to inflictions implied by officers and captains
 (see attached page)

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I suffered mental anguish, post traumatic stress, anxiety, and suicidal thoughts/deep depression and was required to see mental health

And I suffered extreme pain to my hands and wrist and was required medical for further determination

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I request \$1,000,000 in punitive damages and actual damages
 I request the defendants pay all medical fees from behind the injuries of their actions
 I also request that strict rules and regulations be implied to Department of corrections in terms of timelines and handcuff adjustments

STATEMENT OF CLAIMS

1) On January 7th 2022 at approximately 7:00 pm medication was called on housing area 2 central south located at the R.N.D.C Building on rikers island. Several inmates left in route to get their medication at that time including myself. After exiting the housing area me and fellow inmates wandered off toward a different housing area that housed other fellow inmates that we were familiar with to say "whats up". After we finished saying our greetings we tried to make our way back to our assigned housing area. In which we were stopped from proceeding by prison officials, which threatened to spray us with pepper spray with chemical agents in hands, which led to us running away to prevent getting sprayed. Once it was no where else to run I stood in the corner with my hands in the air in a surrender posture, when suddenly officer John doe approached and pepper sprayed me.

2) After all inmates were secured we awaited outside the intake area to get searched after about 30 minutes of awaiting my turn to get searched. I informed captain pines that my lungs felt like they were closing in and to avail medical attention were not provided. I consistently told captain pines that I was having trouble breathing but to no avail I was not provided medical.

3) I was strip searched and ask to get on the "x-ray" machine after. I refused because I deemed it unreasonable due to the fact that I was already strip searched and due to the fact that I feared that the procedure could cause me cancer. After I refused the x-ray machine captain clark for C.M.C Restraints to be put on me I informed him that I have been injured in the past due to the restraints being too tight and on for too many hours and asked that the restraints to be reasonably secured and taking off at a timely manner. In which they refused my wishes and put the handcuffs tight around my wrist. After I was escorted back to my holding cell I informed captain clark one last time that my cuffs were too tight which he stated "you'll be alright" before walking off.

4) Throughout the night I told officer Jane doe in charge of the intake that I was in extreme pain due to the cuffs being too tight and on for too long and needed for her to call a medical emergency, because I couldn't feel my hands and was in extreme pain, in which she just ignored me. As a survival tactic I flooded my cell with water and managed to talk one of my fellow inmates to start a fire inside my holding cell. In order to try and get medical attention. Once the fire alarm went off and after numerous statements of me stating that I couldn't breathe due to the smoke, officer Jane doe stated "I am going to get you and sprayed me with the fire extinguisher and to my surprise medical attention was still not provided.

5) On the 8th day of January 2022 at approximately 10 AM I agreed to go X-RAY due to the extreme pain I had accumulated throughout the hours when the restraints came off I visualized that my hands were extremely swollen and feared that my hands would be cut off if I didn't get immediate medical attention so I requested to see medical after the scan. After the scan it wasn't clear if the scan accurate enough to determine if it clear. And was ordered to strip search again in which I declined. After that they said that they have to put the restraints back on I stated that I needed urgent medical attention in which they declined and twisted and turned my hands and wrist in order to forcibly install the restraints back on further injuring me again I begged captain chmut, and C.O Gordon to no avail medical was no

provided.

1) Around 5pm I finally made it inside an isolation cell in G.R.V.C on Rikers Island and the G.M.C set up were taken off. For the following days up until the 14th day of January 2022 I was not afforded adequate medical care or law library or a phone call or a mattress to sleep on. At approximately 1am 1/14/22 I was placed back in a G.M.C set up by E.S.U And they were not taking off until later on that night at 9:00pm when I arrived to N.S.C on Rikers Island. E.S.U Captain Johnson was informed that I had injuries due to G.M.C set up being too tight for prolonged periods of time and was still trying to acquire medical, in which I was ignored by E.S.U and Captain Johnson.

ALEXIS VRENA

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

R.N.D.E And G.R.V.C

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I called 311 and complained about the injuries and the medical neglect

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I told pines, gordon, christ, Jane doe that I was in severe and urgent need of medical. due to emergency circumstances but my request were unanswered and ignored. Staff at P.O.C still are leaving E.M.C on for way longer than the 4 hours that's legitimate

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I have asked medical to afford me a medical note to require more lenient restraints, for no longer than time that illegitimate

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1/25/22

Signature of Plaintiff

AMARU URENA

Printed Name of Plaintiff

AMARU URENA

Prison Identification #

241 210 2214

Prison Address

N.J.C 15-00 haren street

East elmhurst
City

N.Y
State

11370
Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

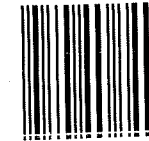
Telephone Number

E-mail Address

ARMAURY URENA 241 210 2214
N.Y.C 15-00 HAZEN Street
East Elmhurst N.Y 11370



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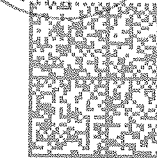
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